IN THE HIGH COURT OF JUDICTURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO. 5284 OF 2004

Ms Sayyed Tehere Sayyad Abubaker Mulla &anr. ..Petitioners

vs

Jamaltul Muslim Tandel Masjid Trust & ors. .. Respondents

Mr.R.S.Apte for Petitioner
Mr.Vijay Killedar for Respondents

CORAM : D.G.KARNIK, J
DATE: 5TH AUGUST, 2004.

P.C.

1. Heard learned counsel for the petitioner.

2. A decree for possession has been passed on the ground of subletting. The present petitioners are the alleged subtenants. In para 12 of the Written Statement, the present petitioners have stated that they have no right, title or interest whatsoever in the suit premises. They have further stated that there has been misjoinder of parties in as much as they have been wrongly joined in the suit. If the present petitioners have no concern whatsoever, they have no right to challenge the decree. The original tenant has not filed any petition challenging the decree.

3. In the circumstances, the Writ Petition is rejected. At the request of the learned counsel for the petitioners, ad interim relief granted by this Court by an order dated 15th July, 2004 shall continue for a period of two months.

4. Authenticated copy allowed.

D.G.KARNIK, J

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